

MUSQUEAM INDIAN BAND
ANIMAL CONTROL BYLAW

AUGUST 8, 2005

Whereas section 81, paragraphs (a), (d), (e), (q) and (r) of the *Indian Act* empower the Council of an Indian Band to pass bylaws to provide for the health of residents on the Reserve, the prevention of nuisances, the protection against and the prevention of trespass by domestic animals in addition to matters arising out of or ancillary to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw;

And whereas the Council of the Musqueam Indian Band is of the opinion that it is in the best interest of the Band to regulate and provide for the control and protection of animals, the licensing of dogs and the provision of pound facilities.

THEREFORE, the Council of the Musqueam Indian Band enacts as follows:

1. NAME

1.1 This By-law may be cited as the "Animal Control By-law".

2. INTERPRETATION

2.1 In this By-law, unless the context otherwise requires

- (a) "Band" means the Musqueam Indian Band,
- (b) "Chief License Inspector" means the person appointed by the Band Council as Chief License Inspector, and for greater certainty, may include the same person appointed by the Council of the City as Chief License Inspector,
- (c) "City" means the City of Vancouver,
- (d) "Dog" means any animal of the canine species, regardless of age or sex,
- (e) "Impounded" means seized, delivered, received, or taken into the Pound, or in the custody of the Poundkeeper, as provided in this By-law,
- (f) "Other Animal" means any animal except a dog and a domestic cat,
- (g) "Police Officer" means a peace officer or constable as provided under the *Police Act* employed by the Vancouver Police Board or a member of the R.C.M.P.,
- (h) "Pound" means any building or enclosure established or maintained by the City of Vancouver for the keeping and disposing of impounded animals,
- (i) "Poundkeeper" means the Supervisor of Animal Control or such other person appointed pursuant to this By-law for the purpose of enforcing and carrying out its provisions, and includes any assistant to the poundkeeper appointed pursuant to the provisions of this By-law,

- (j) "Reserve" means a reserve of the Band,
- (k) "Run at Large" when used with reference to a dog means
 - (i) being elsewhere than on the premises of the person owning or having the custody, care or control of the dog and not being under the immediate charge and control of a responsible person, or
 - (ii) being on any bathing beach or in the water adjacent to a bathing beach whether under the immediate charge and control of a responsible person or not,
- (l) "Supervisor of Animal Control" means the person appointed by the Band Council as the Supervisor of Animal Control and, for greater certainty, may include the person appointed by the City as Supervisor of Animal Control for the purposes of the Animal Control By-law of the City,,
- (m) "Unlicensed Dog" means any dog for which the license for the current year has not been paid as provided in this By-law, or to which the tag provided for in this By-law is not attached,
- (n) "Vicious Dog" means
 - (i) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans, or
 - (ii) any dog which has bitten another domestic animal or human without provocation, or
 - (iii) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds.

3. ADMINISTRATION

- 3.1 A pound shall be established with suitable buildings, yards and enclosures for the keeping of such animals as the Poundkeeper, a police officer, or an official or employee of the Band or the City may impound pursuant to the provisions of this By-law.
- 3.2 The Chief License Inspector may appoint a person to enforce and carry out the provisions of this By-law, and such assistants as the Chief License Inspector may determine.

4. DOGS - CONTROL

- 4.1 No person owning, possessing or harbouring a dog shall permit, suffer or allow the dog to run at large.
- 4.2 No owner, possessor or harbourer of a dog shall permit, suffer or allow the dog to be on any street or in any public place unless it is under the full custody and control of a competent person by means of a leash not exceeding 2.5 metres in length.
- 4.3 Notwithstanding section 4.2, no owner, possessor or harbourer of a dog shall permit, suffer or allow the dog to be on any bathing beach or in the waters adjacent to a bathing beach.
- 4.4 In addition to the requirement of sections 4.2 and 4.3, no owner, possessor or harbourer of a vicious dog shall permit, suffer or allow the dog to be on any street or in any public place or in any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or a human.
- 4.5 Every owner, possessor or harbourer of a vicious dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- 4.6 The provisions of section 4.4 shall not apply to a vicious dog described by clause (iii) of section 2(1) while that dog is in attendance at an event sanctioned by the Canadian Kennel Club.
- 4.7 Every owner of a female dog shall confine and house such female dog during the whole period the dog is in heat.
- 4.8 Except for a person licensed under the provisions of the License By-law as a kennel keeper, no person shall own, keep, harbour or possess more than three (3) dogs at any one time or in any one place or premises in the Reserve.

- 4.9 The Poundkeeper or a police officer may seize any unlicensed dog or any dog found unlawfully on a street or running at large, and such Poundkeeper or police officer shall forthwith after making such seizure cause such dog to be impounded.
- 4.10 Subject to section 4.14, the Poundkeeper shall retain any dog seized pursuant to section 4.9 for 72 hours, and if the dog is not reclaimed within the said 72 hours its shall be the duty of the Poundkeeper to cause the dog to be killed, or sold by auction or private sale.
- 4.11 Notwithstanding section 4.10, the Poundkeeper may immediately destroy any impounded dog that the Poundkeeper believes is suffering from injury, disease or other sickness and is unlikely to survive such injury, disease or sickness or where it would be humane to do so.
- 4.12 Where a dog has been delivered to the Poundkeeper or to the pound by a police officer or an official or employee of the Park Board where the dog has been seized or impounded pursuant to any By-law of the Board, the Poundkeeper shall receive, retain and deal with it in the same manner as other dogs received and retained pursuant to this By-law.
- 4.13 The Poundkeeper or a police officer may seize any dog alleged to have bitten a person and may cause it to be impounded, and the Poundkeeper upon receiving such dog may retain it for a period of up to 21 days; provided that if the dog is not reclaimed 72 hours after that period or is injured, diseased or sick, or suffering from some other cause, the Poundkeeper may deal with it in the same manner as set out in sections 4.10 and 4.11 of this By-law.
- 4.14 The owner, possessor or harbourer of any dog impounded pursuant to this By-law may, at any time prior to its sale or destruction, reclaim the animal on application to the Poundkeeper accompanied by proof of ownership and payment of the fees set out in the Schedule to this By-law.
- 4.15 If the Poundkeeper believes that a dog which has not yet been impounded is not wearing the collar and tag as required by section 5.4, the Poundkeeper may request the owner of the dog or the occupant of any premises where the dog is located to produce satisfactory evidence that the license has been paid, and failure to provide such evidence shall entitle the Poundkeeper to request delivery of the dog to the Poundkeeper.
- 4.16 On the request of the Poundkeeper pursuant to section 4.15, the owner or occupant must deliver the dog to the Poundkeeper.

5. DOGS - LICENSING

5.1 No person shall own, possess or harbour a dog over the age of three (3) months without holding a valid license with respect to the dog.

5.2 A person applying for a license to own, possess or harbour a dog shall, at the time of making the application, pay to the Band the fee specified in the Schedule to this By-law.

5.3 Notwithstanding section 5.2, where the Chief License Inspector is satisfied that a dog has been specially trained to guide or assist a person who is blind or deaf, or who suffers a vision, hearing or other impairment, and the dog is owned or kept by a person of that description, there shall be no fee payable for a license issued under this section.

5.4 A person who has been issued a license to own, possess or harbour a dog shall ensure that the dog at all times wears a collar to which is attached a tag furnished by the Chief License Inspector upon issuance of the license.

5.5 No person shall, except with the authority of the person owning or having the custody, care or control of the dog, remove the tag required by section 5.4 from a dog's collar or from elsewhere on the dog's body.

6. DOGS - REMOVAL OF EXCREMENT

6.1 The owner, or any person having the care, custody or control of a dog, except for a guide dog in the company of a blind person, shall remove forthwith any excrement deposited by the dog and shall deposit it in a suitable refuse container.

6.2 The provisions of section 6.1 shall not apply to excrement deposited on land owned by and in the exclusive possession of the owner or person accompanying the dog.

7. OTHER ANIMALS

- 7.1 No owner or person having the care, custody or control of any other animal shall allow or permit the animal to be elsewhere than on the premises of the owner or person having the custody, care or control of the animal unless the animal is under the immediate charge and control of a responsible person.
- 7.2 The Poundkeeper may seize and impound any other animal found elsewhere than on the premises of the person owning or having the custody, care or control of the animal and not under the immediate charge and control of a responsible person, and the Poundkeeper shall detain the animal until its owner has paid the impoundment charge set out in the Schedule to this By-law.
- 7.3 Where any other animal has been seized or impounded pursuant to this By-law, the Poundkeeper shall daily furnish the impounded animal with good and sufficient food, water, and shelter during the period of impoundment, and for so doing the Poundkeeper shall be entitled to demand and receive from the owner the maintenance fee set out in the Schedule to this By-law over and above the impounding fees specified in section 7.2.
- 7.4 Upon the impounding of any other animal, the Poundkeeper shall post, in a conspicuous place at the pound, a notice which includes a description of the animal which has been impounded and specifies the place where and the time when the animal will be sold if not previously redeemed, which time shall be not less than two (2) clear days after the date on which the said notice is posted.
- 7.5 If the owner of any other animal that is impounded fails to claim the animal within the redemption time set out in section 7.4 and fails to pay all charges provided in this By-law, the Poundkeeper may cause the animal to be sold, and any surplus money remaining after deducting all pound charges shall be paid by the Poundkeeper to the owner of the impounded animal if known or, if not known, to the Band Manager. If such surplus is not claimed by the owner within three (3) months from the date of the sale, it shall be deemed to have been forfeited to the Band.

8. DISPOSITION

- 8.1 If the Poundkeeper is advised that a dog or cat has been killed on a street on the Reserve, the Poundkeeper shall remove the carcass from the street, and for providing this service the Poundkeeper shall be entitled to demand and receive from the owner or possessor of the animal the fee set out in the Schedule to this By-law.

- 8.2 Where the owner or possessor of a dead dog or cat or other small animal delivers the carcass to the pound and requests its destruction, the Poundkeeper may cremate the carcass for the fee set out in the Schedule to this By-law.
- 8.3 Where the owner or possessor of a dog desires it picked up by the Poundkeeper and destroyed, or where the owner or possessor of a dead dog desires to have the carcass picked up and destroyed, the Poundkeeper may provide such service for the fee set out in the Schedule to this By-law.
- 8.4 Notwithstanding section 8.3 where a veterinary establishment desires the pick-up and destruction of the carcass of a dead dog or cat or other small animal the Poundkeeper may provide such service for the fee set out in the Schedule to this By-law but shall not provide such service unless each carcass has been frozen to a temperature of no higher than -17°C and has been encased in a plastic bag of at least 3 mil thickness.

9. OFFENCES AND PENALTIES

- 9.1 No person shall remove or attempt to remove any impounded dog or other animal except as provided for in this By-law.
- 9.2 No person shall interfere with, resist or otherwise obstruct the Poundkeeper in the seizure of any dog or other animal pursuant to this By-law.
- 9.3 Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act which violates any of the provisions of this By-law, shall be deemed to be guilty of an offence against this By-law and liable to the penalties hereby imposed.
- 9.4 Every person who commits an offence against this By-law is liable on summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both.

10. GENERAL

- 10.1 It is the intention of Band Council that each separate provision of this By-law shall be deemed independent of all other provisions, and if any provision of this By-law is declared invalid all other provisions shall remain valid and enforceable.
- 10.2 It is the intention of the Band Council that the interpretation of this Bylaw be consistent with the Animal Control By-law of the City and that, upon execution of an agreement with the City to do so, the staff of the City may be authorized to enforce it on any Reserve in the City.
- 10.3 The Animal Control By-law passed by the Band Council on the 26th day of May, 1987 is hereby repealed.
- 10.4 This Bylaw shall apply to all Reserves.
- 10.5 This Bylaw shall come into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Musqueam Indian Band this 8TH day of AUGUST, 2005.

Voting in favour of the bylaw are the following members of the Council:

Alyson Fraser
(Member of the Council)
ALYSON FRASER

Nolan Charles
(Member of the Council)
NOLAN CHARLES

Wade Grant
(Member of the Council)
WADE GRANT

(Member of the Council)

Mary Charles
(Member of the Council)
MARY CHARLES

(Member of the Council)

(Member of the Council)

Jordan Point
(Member of the Council)
JORDAN POINT

Howard E. Grant
(Member of the Council)
HOWARD E. GRANT

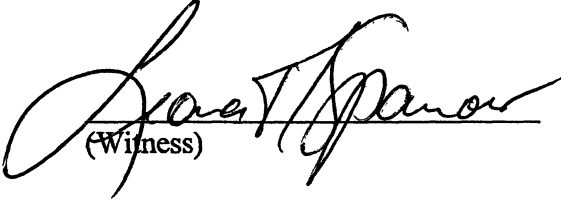
Delbert Guerin
(Member of the Council)
DELBERT GUERIN

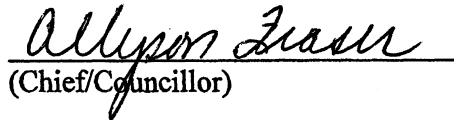
being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 8.

I, ALLYSON FRASER, Chief/Councillor of the Musqueam Indian Band, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at OTTAWA, ONTARIO office of the department pursuant to subsection 82(1) of the *Indian Act* this 9TH day of AUGUST, 2005.


(Witness)


(Chief/Councillor)